

COMMISSIONERS PROCEEDINGS
MAY 30, 2006
CLARK COUNTY, WASHINGTON

The Board convened in the Commissioners' Hearing Room, 6th Floor, Public Service Center, 1300 Franklin Street, Vancouver, Washington. Commissioners Stuart, Morris, and Boldt, Chair, present.

PLEDGE OF ALLEGIANCE

The Commissioners conducted the Flag Salute.

PUBLIC COMMENT

Ron Lauser, Wedgewood Homes, stated that they would like for the urban service areas to be revamped to create a Clark Regional Urban Service Area that overlays the Hazel Dell Sewer District service area. He said their proposal was to bring that in and per Bill Barron the Board of Commissioners needed to do that under the current comprehensive review. Mr. Lauser said their proposal was to set up that area and that for any service areas that overlap between Vancouver and the Hazel Dell Sewer District they would want to have a joint control so that those services stay intact in those areas and aren't subject to moving back and forth between jurisdictions. He said they would like to see a committee created from the population of that area in order to provide guidance to the board as to how that set of population wants to see the expansions going. He further explained. Lauser presented a map of the area.

Morris said they've had request in the past to change the name of what is the currently the Vancouver Urban Growth Boundary in that area. She asked Mr. Lauser if he was asking for that or if he was asking for something different.

Lauser said they are basically following up on that same proposal. He explained that have drawn the lines as to where they want those to go. He said they would like to have a committee of people from the area who guide their own destiny versus having the City of Vancouver do it.

Steve Madsen, Governmental Affairs Director, Building Industry Association, stated that in the comprehensive plan context this might be a way to rephrase the discussion regarding the problem they've been having with the Vancouver Urban Growth Area. He said this might be a different way to approach the same thing they're going through currently with urban holdings.

Boldt asked Mr. Madsen if the benefit would be to get services.

Madsen said yes. He said the obvious problem they are having with urban holding is that there are no clear targets. In the current comp plan there's a lot of detail that's not included in how they lift urban holdings and he thought this would provide more certainty on those service levels as water and sewer are incorporated.

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Morris referenced the map before them and asked for clarification about the area Mr. Lauser was talking about.

Lauser said it was the area outlined with the black line and then any northerly extensions attached to the black line to come into that service area as well.

[Brief discussion continued.]

Morris said there was more then to just a name change of a part of the current Vancouver Urban Growth Boundary.

Lauser said yes.

Pete Capell, Director, Department of Public Works, stated that they had been aware of this request for some time and in the past as the urban growth boundary has expanded the sewer or utility providers have worked together and made recommendations to the county as to who should be serving these new areas. In this particular case, in some of the lands the City of Vancouver or the Clark Regional Wastewater District could provide services in those areas and are both interested in doing so. He said the first attempt is to get the two utility or sewer providers to work it out and come back with a recommendation to the county. If they can't resolve that then the other approach, such as establishing a committee, would be well received.

Boldt asked that Mr. Capell and Mr. Barron meet with Mr. Lauser et al to have discussion.

CONSENT AGENDA

Boldt noted that item 10 (Leaseback Agreement and Sublease Agreement authorizing Battle Ground, Yacolt, Chelatchie Prairie Railroad's (BYCX) use of the north portion of Clark County's Railroad) was pulled. He said his understanding was that they were approving the lease between Clark County and Columbia Basin Railroad and pulling the sublease between Clark County and Chelatchie Prairie Railroad.

There being no public comment, **MOVED** by Stuart to approve items 1 through 17, with the exception of item 10, which was pulled for further discussion. Commissioners Boldt, Stuart, and Morris voted aye. Motion carried. (See Tape 277)

Stuart asked for a little more information regarding item 10.

Steve Schulte, Department of Public Works, said his concern with approving either agreement is that they are both interdependent. He suggested that both the lease and sublease be pulled together.

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Morris said she was disappointed about this because she was under the impression that everyone was happy and they were moving forward. She said this has taken approximately a year and a half to get to this point and she was prepared to approve both today.

Stuart said the only issue he would have with approval was that each of the subleases they would have a lease with the operator, as well as BYCX. He said someone was going to have to sign off for each of the two groups.

Schulte said the leaseback agreement is between Columbia Basin Railroad and Clark County and the sublease agreement was between BYCX and Clark County. He said the terms and conditions language in one ripples over to the other.

Boldt said he believed he told Mr. Temple they would work with him on his piece and when done with that they would go to the BYCX piece, and Mr. Baker had noted that he couldn't sign off until he brought it to his board meeting, which was coming up this week. *Boldt* said they could bring both back next week.

Schulte said his sense was that time urgency was with BYCX so they could begin their summer excursion programs. If it's their request to delay the execution of the agreements, then it probably means it won't interfere with their programs.

Stuart said he was happy to provide an extra week to allow the BYCX board time to look at it.

There being no further comment, **MOVED** by *Stuart* to continue item 10 (Leaseback and Sublease Agreements with Columbia Basin Railroad and Chelatchie Prairie Railroad) to June 6, 2006 at 10:00 in the Commissioners' Hearing Room, 6th Floor, Public Service Center. Commissioners *Boldt* and *Stuart* voted aye. Commissioner *Morris* voted nay. Motion carried. (See Tape 277)

PUBLIC HEARING: SUPPLEMENTAL APPROPRIATION

Held a public hearing to consider approval of the 2006 Omnibus Supplemental Appropriation within various operating and capital funds in the amount of \$43,145,725.

Jim Dickman, Office of Budget, presented. Mr. Dickman summarized that on the expenditure side most of the \$43.1 deals with the debt refinancing of a couple of bond issues to save about a million dollars over the remaining term of the bonds, which is \$38 million of the \$43. Additional grants are about \$1.4 million and then transfers between funds is about \$1.7, along with some other requests that come to \$2.1. Revenue offsets are \$39.1 million on the debt; rent is \$2.1 million; additional fees of approximately \$300,000; grants of \$1.4 million and transfers of about \$1.7 million. Dickman said that

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overall across all funds this is actually adding back \$1.4 million to the fund balances, primarily due to the debt refinancing.

Stuart said overall this was a net gain for the county.

Dickman said that was correct.

There being no public comment, **MOVED** by *Stuart* to approve Resolution 2006-05-25 for the 2006 Omnibus Supplemental Appropriation. Commissioners *Boldt*, *Stuart*, and *Morris* voted aye. Motion carried. (See Tape 277)

PUBLIC HEARING: URBAN HOLDING

The Board of Commissioners considered rezoning properties in portions of the northern Vancouver Urban Growth Area with the Urban Holding overlay to the underlying zoning district. Hearing continued from April 25, 2006; May 9, 2006; and May 23, 2006. There was no public comment at this hearing.

The Board considered multiple resolutions:

- Resolution to lift Urban Holding in Subarea A
- Resolution to lift Urban Holding in Subarea J
- Resolution to lift Urban Holding on certain properties in Subarea G

****Verbatim****

BOLDT: This is a continuation from, I believe, it was last week and can you just tell us where we're at.

HORNE: Certainly I'll try to summarize for the Board what I understand the...typically my voice isn't one that needs much help. Good Morning Commissioners. As I understand it the Board had separated out the Urban Holding areas into three segments. Those areas for which there were adequate school and transportation facilities and for which Urban Holding could be lifted immediately—that only allows to one area, Subarea A, which is west of I-5. The second category or group are those parcels that make up all of Subarea J and portion of Subarea G. Those properties are characterized by non-residential zoning and for which there are no school issues, but continue to have transportation issues. It is my understanding the board wanted to put together a framework or platform for the lifting of Urban Holding in those areas upon execution of proper developer agreements to

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provide for the transportation infrastructure that's still is yet to be resolved and so this resolution will provide for that mechanism upon execution of those agreements, those developer agreements. Urban Holding can be or will be lifted by subsequent resolution and then the remaining parcel in G through M will be addressed on June 13. Those are residential properties for, or, that include both transportation and school issues and are probably the latest or the most, contain the most significant issues. And as I said those will be addressed on the 13th.

BOLDT: So...okay...in this resolution we have covered A, J, and G.

HORNE: There should be two separate resolutions: one deals with A separately and then the second deals with portions of G and all of J. I've included maps where appropriate and in the second resolution I've even included tax parcel numbers to try to be as precise as we could for the Board.

BOLDT: Okay, and just for bookkeeping, Louise, we have a resolution number with A, B, and C.

LOUISE RICHARDS: That will be 26A and 26B.

BOLDT: Oh, okay. Very good. And another – Marty is not here with us today, but probably off the subject, I had a question about when we talked about taking Commercial land off and leaving Residential land in, where does Mixed Use fall in that? Do we have any...I didn't get a word back.

HORNE: My sense is to the extent that Mixed Use includes residential component that it should be dealt with in the G-M because it still leaves school issues outstanding. Now that's simply my sense of it just asking me that question, but I believe that's probably correct.

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BOLDT: Okay. I would have thought that, but I didn't know.

MORRIS: I don't think there is any Mixed Use --

HORNE: Okay and so it's a non issue

MORRIS: -- in those two particular areas so it wouldn't be...

BOLDT: Not in these, no. Right.

MORRIS: But I do have a question about the language because the language on G and... whatever the other one is...J and G. It still speaks about schools and while I'd be more than happy to tie them into the school issue, because that's just a few more impact fees, they don't pay impact fees and my understanding was that we could advance these because they weren't related to schools, but the language still includes schools.

STUART: And, I saw the same thing. There are a couple of spots where I think they tried to cut out the language -- you know they took out that whole section on schools for those properties, you know, for the properties that don't have the same constraints for schools, but then they left in other sections there was talk about, well you have to have developer's agreements for roads and schools.

MORRIS: So it probably was just an editor's mistake.

STUART: Yeah, I think it was probably a scrivener's error.

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HORNE: That's correct. I...to the extent possible, I tried to eliminate language that was unnecessary and I must have missed that portion. If...I'm glad to, if the board approves the resolution with that deletion, we can provide a corrected copy for the board by noon.

BOLDT: I read that too, but I can't find it now.

MORRIS: It's on page...I'm looking on page 3

BOLDT: Okay.

MORRIS: Section 4, line...

BOLDT: Oh.

STUART: Yep.

MORRIS: It's in here a couple of places, but specifically line 40 is one of the examples.

BOLDT: Okay.

MORRIS: And then I...it's also on line 48.

STUART: Those are the two that I saw. There may be others, but...

BOLDT: Okay. Is it the board's wish to delete them? Okay.

MORRIS: They seem pretty irrelevant and they could turn out to be binding so...

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BOLDT: Okay. And is there an update? I don't know if ...sure...Commissioner on progress of the schools...the other piece?

MORRIS: Well, Marty Snell called me on Friday while I was out of town and just more than anything else alerted me that Rich Lowry was back in the hospital so we sort of didn't make much progress last week.

BOLDT: Okay and that is continued until next week or the week after?

HORNE: I understand it was the 13th of June, so it should be two weeks.

BOLDT: 13th of June. Two weeks. Okay, so with that is there...

STUART: I have one thing on the schools. There was a little bit...I had a couple of conversations last week that there's people starting to step up with potential parcels and potential sites for schools in the area, and Commissioner Morris had been asking the people to start doing that. And I've heard from a couple of folks that have identified potential sites for the Battle Ground School District and I haven't had a chance—just with the weekend that came up—I haven't had a chance to get that information to the schools. But, will certainly do so.

MORRIS: Well, I think it's already gone to them because I also had a voicemail from Lynn Hicks.

STUART: Good, Okay.

MORRIS: So I think they are.

STUART: Oh, that's great. Okay.

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MORRIS: I think it's just important to note on this issue that the land has to be useable and I know that they have been referred to a couple of pieces that are about 90% wetlands and that doesn't hold a lot.

STUART: The best one that I saw that I got last week was 20 acres with about 90% of it useable so it's...

MORRIS: Are they sending those to...why don't they send them to the school district? That would seem to be....

STUART: It sounds like they are. It sounds like they are doing that as well...that they are sending it to them.

BOLDT: Okay.

STUART: Mr. Chair, I do have...I'm still saying I wish Mr. Lowry were here to make me feel better. I'm still somewhat concerned about the language lifting sections ...portions of subarea G and subarea J. Which one is J? Oh, J is strictly commercial, but when we start talking about portions of subarea G, I'm just still a little concerned about breaking it down to and we've been looking at this by subarea and then we had a conservation last week that maybe we could do it by subarea and that we're still talking about it and we have subareas that are only non-residential so they wouldn't have the impact on schools, but I don't know. I'm still a little bit nervous about the language and the legality of breaking up subareas and phasing them in and having two different resolutions for them. If we were doing it in the same resolution and saying well okay the first phase is to open up the revenue producing non-residential components and then figure out the school piece that would make me feel more comfortable. I'm just a little bit

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nervous about separating them off so distinctly in resolution. But I don't know what to do with that, frankly. No offense to you –

HORNE: No, that's fine.

STUART: – it's just that Rich has been the one who's been doing the most with this.

HORNE: I don't think there's a magic in whether or not you have one resolution or two. The key I think you have to keep straight, and the reason conceptually we thought it was simpler to provide you with two resolutions, is understand the first will actually lift urban holding. The second only provides the mechanism. And so you would have to have separate sections saying that the board finds and concludes for subsection A or subarea A that you are lifting for subareas J and a portion of G that are non-residential; that you're providing this framework for lifting upon execution of developer agreements. To avoid the confusion that may follow with two separate effective actions of the board—one sort of interim and the other final—it seemed simpler to provide you with two resolutions. There's no magic, however. We could certainly put that together in a single resolution if the board feels more comfortable with that.

MORRIS: I think having them in separate resolutions is the better approach to go because the concern was that if this were successfully appealed, that subarea A needed to be separated from the other areas under consideration. So that's why we're doing them in separate ones.

STUART: Oh, and I agree with that completely.

MORRIS: Your issue is about doing a portion –

STUART: Yeah.

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MORRIS: – of G, which I hadn't realized we were only doing a portion of G. I thought we were doing the whole thing. If we are supposed to be doing...well, I kind of share your concern about parcelizing that...segmenting that, because my understanding was that the whole—and it's my oversight. I didn't look at it closely enough, but my understanding was that all of G was job producing. So...

STUART: Yeah and I thought so as well and it's just in our comp plan text...it specifically says in our resolution...it says that removal of Urban Holding shall be by subarea appropriate for consideration of an effected capital facilities. I mean parceling off A and J – those are subareas. Those are distinct subareas that we have analyzed. That makes perfect sense to me. With G it doesn't follow. We're not following the rules on that the way I see it right now.

BOLDT: So could we approve Resolution 2006-05-26B with... and take out subarea G so essentially we would have a resolution for A and then a resolution for J?

STUART: I'd be a 100% okay with that.

MORRIS: I think that works.

BOLDT: We only got two weeks we can work on G later.

STUART: Yeah, that sounds great.

BOLDT: We're getting paid by the resolution anyway, so...okay. There's no public comment. Is there a motion on...I believe it's resolution 2006-05-26A and that is lifting Urban Holding on subarea A?

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STUART. Thank you, Mr. Chair. I move approval of resolution number 2006-05-26A to lift Urban Holding on subarea A.

MORRIS: Second.

BOLDT: Thank you. It's been moved and seconded to approve resolution 2006-05-26A, lifting Urban Holding on subarea A. All in favor say aye.

STUART: Aye.

MORRIS: Aye.

BOLDT: Aye. All opposed? Motion carried. And now resolution 2006-05-26B with the...and taking out G throughout the resolution.

STUART: Right. And then also I would suggest in my motion to also address the...to take out references to schools as well since we are only talking about...since we are talking about non-residential properties in subarea J. Thank you, Mr. Chair. I move approval of resolution 2006-05-26B, with the changes being subtracting out subarea G and references to schools.

MORRIS: Second.

BOLDT: Thank you. It's been moved and seconded to approve resolution 2006-05-26B, with exception taking out subarea G and the wording of schools which we would in essence lift Urban Holding, or at least continuation of the talks of lifting Urban Holding, on subarea J. All in favor say aye.

STUART: Aye.

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MORRIS: Aye.

BOLDT: Aye. All opposed? Motion carried. Actually some action.

STUART: We've got the roads part. We've come a long way in figuring how to make sure the roads are paid for and the work continues on schools. So, we'll figure it out.

BOLDT: And I thank you and I believe, Mr. Barron, we have a work session planned with the school districts coming on impacts of growth on education, which will be timely.

BARRON: That's correct.

BOLDT: Okay. Moving on to the Wetlands Ordinance.

PUBLIC HEARING: WETLANDS

Held a public hearing to consider amending Clark County's wetland protection ordinance. Continued from April 18, 2006 and May 2, 2006. There was no public comment at this hearing.

BOLDT: There's no public comment on this.

PAT LEE: Thank you, Mr. Chair and Commissioners. I'm Pat Lee with the Community Development Department here to address the Wetlands Protection Ordinance. Just a brief summary of where we are in the process: the board held a hearing on May 2 and closed oral testimony at that time, but left the record opened until May 16 for additional written testimony, and this item was continued for deliberations until today. There are a few changes in the material that I will review quickly. In Exhibit A attached to the staff report, we have the individual pages where language changes are being suggested based on staff's assessment of what the discussion of the commissioners was at the last hearing, and I'll briefly review those. If you go to page 1 and 2, there was discussion about

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applicability of the ordinance. The proposed change broadens the applicability so that it is consistent with what the original working group had recommend, which is also consistent with what the CTED model ordinance suggests in terms of the wording. Pages 2 and 3 – the specific changes are highlighted in yellow so hopefully that will make it relatively easy to follow. On page 2, if we go down to line 42, there was a discussion about being able to provide under these reasonable use exceptions, a reasonable size building envelope so the change that has been suggested is to add in the phrase, “a placement of a single-family residence, not to exceed a building footprint of 2,200 square feet, including normal accessory structures.” So hopefully that provides assurance that sufficient building space will be provided.

BOLDT: What is...so the main story is 22...so you could two-story and –

LEE: This is the building footprint so you could have within a 2,200 square foot footprint you could have a single-story house, if that’s what you wanted; you could have a two-story house; you could also have a two-story house with some accessory buildings, for example, that would all fit within that.

MORRIS: That’s 2,200 square foot footprint, is that what you said for –

LEE: Yes.

MORRIS: – the main and accessory buildings?

LEE: Yes.

MORRIS: That’s a little bitty footprint.

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LEE: It's...depending on the design, it could certainly get you, you know, a three or more bedroom house and some accessory structures. It's an arbitrary...if you wanted to change it, certainly we can do that, but that was just something that was thrown out there to try and respond to the concern that was raised recognizing that the idea is to try and limit impacts on the wetlands and so there was some limit that we wanted to put into the ordinance.

BOLDT: Is the square footage within the wetlands or is the square footage on a lot?

LEE: The reasonable use exceptions would most likely be triggered when most of the property is a wetland.

BOLDT: Oh, most of the property is a wetland.

STUART: So if they wanted to build in the wetland...

BOLDT: If they wanted to build in the wetland –

LEE: You have a legal building lot of which a large portion of the property is wetland. This would assure, through the reasonable use exception process, that a property owner could go ahead and build a residence notwithstanding the fact that it might be impacting wetlands, although mitigation would be required.

BOLDT: I'm trying to think through an example – I build a house on...and you let me build a house in the wetlands; I have some more property that isn't on the wetlands and I want to build a barn, is that figured in that square footage?

LEE: No, it would only be that portion that –

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BOLDT: Within the wetlands?

LEE: – impacts the wetland.

BOLDT: Okay.

STUART: It also talks about the standards to be applied to limit the proposed location of the structures, basically making sure that avoidance is still the top priority. That if you have a bunch of property...that if you're building structures, if you can build your house outside of the wetland, that we're promoting that. We're not just saying, yeah, go ahead and build wherever and we're going to exempt you from that, but simply saying, look, we'd like you to do that; if it's not feasible for you to actually do that, to build outside of the wetland -- people should have the ability to build those structures.

BOLDT: Okay.

STUART: But like you said, there's no magic to the 2,200 square feet certainly.

MORRIS: Well, I'm trying to think of circumstances where if you have got 10 acres and you have 9 acres consumed by wetlands and the 1 acre that isn't in wetlands is sort of in little bitty pieces here and there, or even if you had it all in one place it seems to me, Mr. Boldt, that whoever staff is looking at that site plan review is going to want you to put both your barn and your house entirely out of the wetlands.

LEE: If there is a clear distinct portion of the property that is outside of the wetlands, yes, that is probably where staff would be; however, if you have this fragmented type of approach, which is not uncommon, then I think staff would recognize that it's going to be pretty hard to split up things across that and we would allow a concentration of the dwelling and accessory structures and some sort of normal configuration that you

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typically see in a development or building permit situation as opposed to forcing it to fragment all over the place. And you're right, I think the key is staff and the property owners working together to try and work through the difficult issues and come to an optimal situation that both protects the wetlands and provides the opportunity to use the property.

MORRIS: We actually have a map from a gentleman who is sitting just on the row behind Joel and Joni and he has spoken in the past, and I think that between the habitat and the wetlands ordinance, isn't he encumbered, Joel, by about 98%?

JOEL RUPLEY: [Inaudible]

MORRIS: All but the driveway. So this 2,200 square feet would also include the driveway, right?

LEE: No, I think they're separate provisions that would allow locations of driveways. It's talking about structural footprints.

MORRIS: Well, I think I've made a public display often enough of my bad math, but 2,000 square feet would be a footprint that's 40 x 50 and if you took out a barn chances are you're going to take out at least 400,000 square feet. So you have to take out...you have to reduce that to like 16,000 square feet, which if you're going to do a two-story house with a garage chances are you're going to wind up with 800 square feet on each floor and a garage, or maybe you'd have 800 square feet on 3 or 4 floors. It just seems...and if you're working with a piece of property that's like 20 acres, that doesn't...there's no proportion to it.

STUART: Is there a number, you think, that would make more sense in that situation?

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MORRIS: Well, I don't know. I'm just sort of caught off guard by this altogether.

BOLDT: What happens in real life if you would go over the 2,200 square foot? Then what would that put you into? You're just not allowed or...?

LEE: It could be addressed through a wetland permit situation. It probably would require some additional mitigation, but it certainly could be considered. This is, again, trying to address those really difficult situations where most of the property is encumbered by wetlands and we want to make sure that folks have the ability to use it and if it's a large 20-acre property, there may be portions of the site where, you know, you can locate structures that don't even trigger a wetland permit of any sort.

STUART: So they'd still have the ability to, you know—whatever number we choose here, if it goes beyond that or if it goes above whatever number we choose—they'd still have the ability to file for a wetland permit. This is simply the exemption that says that, well, if you stick to this number or less, you're exempt.

LEE: You are more or less guaranteed that you'll get at least this amount and you certainly can propose going beyond that and we can consider that through the permit process.

BOLDT: Now, AG is exempt from this?

LEE: Yes.

BOLDT: Is a barn exempt from this? Or a structure of AG exempt?

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LEE: Given the broadened applicability that we've discussed, probably not. If a structure impacts a wetland, it could come under the regulation of the ordinance with that broadened applicability.

MORRIS: So if I have got 20 acres that is zoned AG and I have a wetland on 19 acres, but no riparian zone, I can plow the wetland and do AG, but I can't build a place to live.

LEE: The exemption for agricultural wetlands is for existing agricultural wetlands so if you were plowing what was not previously at the time of adoption of the ordinance an area for agriculture, then that would be a regulated activity, but if it is an existing agricultural situation and you're continuing to work the land on that portion of the property that is exempt, yes, as long as it's outside the riparian area.

MORRIS: And if I have 20 acres that runs along the east fork of the Lewis River and its about 1 acre wide and 10 acres long, there's just not hardly a thing I could do with it.

LEE: There may be. I believe that would very likely be considered a riparian area. The riparian area associated with streams in the current habitat ordinance, which would be the regulatory document in that case, basically there is kind of a distance cutoff at some point so there could be some usable property beyond that distance cutoff, which is at 250. Joel, do you know?

RUPLEY: [comments inaudible]

MORRIS: I think Pat's trying to speak about the difference between the 250 foot width and the width of the inner and the outer zones in AG combined. Is that what you're talking about, Pat?

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LEE: I was specifically talking about the provision of...the wetlands ordinance basically defaults to the habitat ordinance for regulating in the riparian zone...existing AG in the riparian zone and that there is in the current draft of the habitat ordinance that there is a cutoff point, which I'm thinking is 250 feet. If you're, say, 250 feet beyond the Lewis River bank full stage and you still have 100 feet of property beyond that, it would not be regulated under the riparian area of the habitat ordinance.

MORRIS: So I'm zoned AG in a non-existing AG, but I plan to farm and I bought 20 acres and so now I have a strip that I can work with that's 100 feet wide and 10 acres long—I don't know how long that is.

LEE: Well, it would trigger a permit process, a permit review of some sort, and what the outcome of what that is certainly discretionary in its outcome.

MORRIS: Okay, thanks.

BOLDT: I know this is a thorny issue, but it kind of has what we heard from the Farm Bureau on the habitat it says, "AG activities and operation at the time of adoption of this ordinance are exempt." So we have...I don't know what're doing...you're pasturing cows, okay, it's an existing activity. You go into a row crop or something, it's still an existing ordinance...existing AG activity. The question I would have, let's say you...so that's an existing activity, you want to build a produce stand, which is still an existing activity, which I think the state just has passed a law to let a little more flexibility with AG, you know, and so all those things are technically existing activity – are they exempt even though you're...I mean, that's just kind of the nature of AG, you're going to say crop rotation is just...

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LEE: If it's within the area that's currently used for existing agricultural activities, then whether you're changing the agricultural practices within that area, I think, would still be exempt.

MORRIS: Well, I'm pleased that the wetlands ordinance exempts existing AG outright. I'm interested to know how we can get away with that in the wetlands ordinance and not in the habitat ordinance, however. So when we get to the habitat ordinance you will hear me arguing for exactly the same approach in that critical area ordinance so the best available science for this one ought to work for that one as well, but this discussion got triggered by the reasonable use exception. I have no idea what would be a better footprint, Commissioner Stuart, than this. This one's sort of stabbing in the dark and anything I would add to it would be stabbing in the dark as well. It's saying that essentially when you say that that's all you can do with it it's sort of like saying it doesn't matter what it's zoned, your highest and best use of it would be to build a single-family house because of the wetlands. And maybe it is, I don't know, but it just seems curious to me for some reason or another.

LEE: Just an attempt to respond to the concern voiced about a reasonable building footprint.

MORRIS: And I understand that. I guess that what I am going to be suggesting are some modifications in the habitat ordinance on the reasonable use provision, but it seems to me that reasonable use has something to do with reasonable expectations of taking away all but one use. You ought to be able to do something with your land. There ought to be a limit on the amount of environmental encumbrance on a piece of land in order to call it reasonable use. I can hear the arguments against that approach right now and they're valid too, so...

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BOLDT: Yeah. I guess...going through the ordinance I'm trying to think of that phone call, you know. And it's an existing AG, you want to build a building and they call us and they say, you know people downstairs are saying, okay, you can build that building, but we have to have 585 pieces of documentation stating why you need to build that building and, you know. So I don't know how you get around that. I'm just trying to think through to putting staff into that particular predicament.

MORRIS: It really is tough to work it through from a practical perspective. Technically, an agricultural building is exempt. You don't have to get a building permit; I'm assuming you don't have to get a site plan review, particularly if it's on AG. Theoretically what you ought to be able to do is you ought to be able to on land that you're currently using for hay that has encumbrance of wetland, you ought then to still be able to go plow it up and build a building on it of any size. Technically. As long as it wasn't probably a residential; as long as it is a building that qualifies as a farm building, which is fine with me that you can do that, especially if it's on land that's zoned AG.

LEE: I'm not sure if that's the case or not. There's the issue of...well, if it's...you're right, it's a very difficult one to work through in the pragmatic sense and perhaps the best thing to do is for the board to provide us some direction if that is the interpretation that you would like us to make of that so we don't get into this issue of conversion of use, which, you know, when you're converting from one use to another you trigger the whole ordinance as opposed to just those provisions that deal with the agricultural exemption. So if there is some clarification that the board would like to provide in that, it would help our interpretation greatly.

MORRIS: I only put your words together because you're telling us what existing uses is and that crop rotation would not be a change of existing use, but you don't plow for hay and it is clearly under our ordinance in state law it is an agricultural activity and so is planting blueberries and a whole lot of other very different kinds of activities where you

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would plow, or if you wanted to plant strawberries instead of hay, you would be plowing and an AG building would be exempt. So it seems to me that there's hardly any other way to interpret that, which again sets up an interesting comparison to someone who decides that they want to take up farming and they go buy some property that's zoned AG, but hasn't been used for AG, and they can't. I'm very much involved with AG zoning in all of these discussions too; more involved than anyone else is, but it seems very clear to me that there is a difference between what is zoned AG and what is not zoned AG. I guess for the purposes of getting on, one approach that we might take is we might simply bump up the size of the footprint and if there's no logical reason why you said 2,200, then we might go to 4,400. You got a logical reason why we should...? [Laughs]

LEE: 4,400, you could be affecting a lot, but if that's the tradeoff then that's the tradeoff and I think what we're trying to do is balance the interests here.

BOLDT: I'm wondering if you should take this back and try and balance the residential use and maybe try and figure this because like you said, an AG building doesn't require a permit so a person's just going to go out there and build anyway. You know, it's not going to come down and say, since it's not required to have a building permit, there's going to be a building out there anyway and I just wonder if maybe...

MORRIS: Someone will complain then we'll have it again.

LEE: The other option would be to work on the applicability and specifically call out some constraints on the applicability, which at least proposed in this version of the ordinance broadens it out so that whereas previously since building permits are not needed for agricultural buildings, it may not have triggered review; however, given the broadened applicability, it could trigger a review. So there is another approach.

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STUART: Let's clarify that, I mean like Commissioner Morris said, I think it's abundantly clear that it's not triggered under the AG exemption that we have, but if it needs additional clarity then fine, but I agree with you, Commissioner Morris, that I don't see any other way to interpret it. But as far as the language as far as the kind of random number, you know the easiest thing honestly I think would be to just get rid of that. The language was added to talk about including normal accessory structures. That was kind of the comment we got from Mr. Malinowski and from others is to be able to include that, but if we simply said the placement of a single-family residence and normal accessory structures that gives people the ability...no one's going to build a 6,000 square foot house if they don't have the money for it and most people don't have the money for it. I don't think it's going to be a situation you see a lot. You know, what we see is just regular, you know, regular folks out there trying to build a house and instead of having them have to pick the design of their house specifically because of some random number that we chose, to be able to say, look, go ahead and build your single-family house, you build your normal accessory dwelling and just be reasonable as opposed to putting an arbitrary number on it. That would be to me the easiest thing to do, is just take out the random number and the only words you would leave would be an "and" and "normal accessory structures."

MORRIS: That would be okay with me. I'm not sure that we can go much further on perfecting the ordinance until we've lived with it for a little while.

STUART: True story, yes.

MORRIS: So it may be that we would ask for a little bit more staff feedback as this is implemented and we see what happens to it and maybe the better way for us to go would be what you suggested about taking out the square-footage requirement, go ahead and do the ordinance and, Commissioner Boldt, I appreciate your suggestion that they go back, but frankly I don't –

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BOLDT: Yes, right.

MORRIS: – I'm not unhappy the way I'm reading that AG exemption.

BOLDT: Under the exemptions, oh, under AG exemptions, I guess it's on page 4-C, is there somewhere in there where we could add outbuildings or structures that are...that would help us out there?

LEE: Yes, we could certainly put some language in that provision to clarify the interpretation.

BOLDT: Yeah, that that's included in AG.

STUART: That makes sense.

LEE: We will take a crack at that then.

BOLDT: Thank you. That's fine with me them. So are we ready to act?

STUART: Was there anything else you wanted to go through, Pat?

LEE: Just a couple of clarifications. Also on page 4 there was some discussion about the wording of the timber exemption. Specifically, we added in the provision indicating that, 'or unless regulated under Clark County Code 42.60.80, forest practices excepting out the conversions and conversion option harvest plans.' So those two things would be the ones in timber harvest that would trigger a wetlands review. And the only other one that I would think of...well, there is one other if you go to page 25, the types of wetland mitigation, there had been some discussion about the unproven nature of creating

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wetlands as a means of mitigation. So we added in the phrase, "The various types of wetland mitigation allowed are listed below in the general order of preference." So there would be sort of a policy preference for the restoration approaches if we would go with this, as opposed to the creation approaches.

And the one final one that I think came up in discussion was the length of monitoring mitigation projects, that would be on page 33, and basically we have added in response to some of the discussion, creation of...mitigation via creation and forested wetland mitigation projects shall be monitored for a period of at least 10 years just because those are the types of projects that may take a longer amount of time to determine if they are performing the way they need to. So those would be the most substantive changes that I would review.

BOLDT: We're not acting on the new fees?

LEES: The recommendation would be to act on the new fees, yes, that would be in the Attachment B to the draft resolution, which is behind tab C. And basically it would be...Exhibit B, Exhibit B, page 5, where what has been done is that we've provided Type I process for various types of wetland permits. Prior, we did not have a Type I process for wetland permit review; and secondly we added in programmatic permits in response to discussions with the utilities and so what the fees attempt to do is establish a fee base so that we can proceed with those specific types of permits, which are new to the ordinance. And if you go to page 8 of Exhibit B, you have kind of a fee schedule that's recommended for Programmatic Habitat and Wetland Permits and...

BOLDT: Do we have...is it the reasonable use fee? Is that where it was or...?

LEE: Reasonable use fee, I think a reasonable use is tied to the type of approval requested. If it is a single-family residential proposal for reasonable use or a home

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business proposal for reasonable use, we are recommending that it be processed as a Type I.

BOLDT: And how much is that?

LEE: Type I for a wetland permit is proposed as \$700. That is on page 10 of the fee schedule, Exhibit B.

MORRIS: Those are only the programmatic fees that particularly utilities would be paying, is that right?

LEE: No, no, actually page 8 is the programmatic fees and then page 10 we have the wetland fees based on the permit type, what the fee would be for those.

MORRIS: But the habitat permit is still free if it comes through with any other application?

LEE: I believe that is the case, yes, but you're right, the programmatic permit is addressed for both habitat and for wetlands.

MORRIS: Okay, thanks.

BOLDT: So I have a Category 4 wetland, I have a reasonable use, I want to build a house on it not exceeding 2,200 square foot—it's going to cost me \$700 for that reasonable use...?

LEE: That would be the permit application fee, yes. As proposed.

BOLDT: That seems a little steep to me.

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LEE: It's just based on our assessment of what staff costs are.

STUART: Staff cost to do what in that situation? In the exact situation that Commissioner Boldt spoke to, what costs are...?

LEE: The costs would be to visit the site, do a site review, determine where the location of the appropriate building envelope is, what type of mitigation is going to be appropriate, and draft up a staff report and mitigation plan for the applicant. That represents about 4-6 hours of staff time.

BOLDT: How can we monitor these fees to see if it doesn't take near that time?

STUART: And actually that's a big piece of this. That's...kind of there are two aspects of this. I mean we've been talking about the minutiae of – not minutiae, but the details of this, but there are two big pieces of this and people have asked about them—we've got comments on them—and one of them is how do we actually make sure that we're doing something? How are we monitoring this to make sure our fees are effective? To make sure that we're being effective in what we're doing and what we're actually purporting to be doing for the community? And one of the things that we would be approving on this resolution is of Section 4 of...what is it...draft number 2, behind Exhibit C—kind of looking at the ordinance—page 8 of it, the work programs. The two pieces that are the most interesting to me as far as making sure that we're doing what's right over time is the first step is development of education, training, and outreach programs to facilitate implementation of the ordinance, and that actually...if you look Exhibit D, staff put together a property owner guide to the wetland protection ordinance and it was what we talked about before saying, alright, we need to have something that guides people: Why are we doing this? What's covered? What's not covered? Something that regular folks can actually understand. And this is the beginnings of that. I actually like the format and a

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lot of what's been done on this, but Part A of the work program is to make sure that we flush that out and provide that to people so that they have that. And then the second piece was establishing rules for mitigation banking and that aspect of it is one thing we've been looking at and we have money from the state to be able to start working on that. So it's doing that piece of it to figure out more creative ways to do mitigation. The third one is development of guidelines for low impact development design, which also will help minimize buffers, but the fourth one is the one that I think gets to your question and that's the development of a monitoring reporting program to address our success in protecting the resources and how much is it costing us? How much are we getting out of it actually really doing that work? Because if we don't do that, we'll never know if we're actually being effective in this. My hope is that piece of it will help answer that question of our we being reasonable out there.

BOLDT: Okay. Any other questions? Okay, is the board ready to act? Okay. I think we have some changes.

STUART: Uh-huh. The changes...before I make a motion I just want to confirm the changes as I've heard them, on page 2 and page 3, taking out the number...page 2 and page 3 of Exhibit A, the actual ordinance language itself, taking out the 2,200 square feet number and just saying, "the placement of a single-family residence and normal accessory structures," and same thing when you're replacing a single-wide mobile with another dwelling and normal accessory structures. So that was the first thing I heard, and then the second thing I heard was under existing agricultural activities, adding language to assure that farm structures like barns are included as part of the practices.

BOLDT: Okay. Is that fine?

MORRIS: That's fine with me. I have one other silly question.

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BOLDT: Okay.

STUART: There are no silly questions.

MORRIS: On page 3 of Exhibit A, line 30, it has to do with clusters.

LEE: Yes.

MORRIS: Why do you have to write that in? They can cluster anyway.

LEE: You had raised the question at the last hearing, did this apply only to the R-5, R-10, and R-20 zones? And so the answer was, yes, you're right. It only applies because that's where the cluster ordinance is applicable so I just decided to make sure it was clear for folk who are reading it.

MORRIS: Alright.

STUART: With those changes then, thank you, Mr. Chair, I would move approval of ordinance number 2006-05-27, with the aforementioned changes.

MORRIS: Second.

BOLDT: Thank you. It's been moved and seconded to approve ordinance 2006-05-27, with the changes mentioned. All in favor say aye.

MORRIS: Aye.

STUART: Aye.

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BOLDT: Aye. All opposed? Motion carried. Thank you very much. Thank you, Pat.

STUART: Thanks, Brent. Thanks, Pat. Thanks for all your work on this.

PUBLIC HEARING: PRIORITY HABITAT & SPECIES MAP

To consider amending Clark County Code section 40.440.010C.2 of the Priority Habitats and Species Map.

BOLDT: Okay, moving on to the habitat conservation ordinance. We have...

STUART: Now we're all warmed up.

MORRIS: Well, Mr. Chairman, I understood this was actually to be a discussion today; that we weren't intending to advance the HCO at this point in time. And we had also at some point talked about doing the map first.

BOLDT: Oh, okay. I had the map second, but we can go through the map first.

MORRIS: Since that does take...since we are taking public testimony on that and we're not on the HCO.

BOLDT: That's fine. We can do the map first.

STUART: So we're discussing the map first...I have a couple of questions to start off with. Are you ready for that, Mr. Chair?

BOLDT: Yes.

STUART: Question about it: we received some comments from some of the surveying community about mapping and frankly I'm trying to figure this out here and try to figure

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out what is being offered up here and what the comments relate to specifically. I'm a little bit confused about this piece of it and how it gets used as far as the mapping piece. The comments seem to be that the mapping should come from surveyors from the community that actually goes out and actually assesses these lines. Can you tell me what this map represents that we're considering today and address some of the concerns from the surveying community?

JOEL RUPLEY: Mr. Stuart, if I may, I'm Joel Rupley, of the ESA Program, and have been managing the habitat ordinance and this is one piece of it. Legal staff has advised over the years that you need to adopt the map that is essentially a visual representation of the definitions in the habitat ordinance itself. So given that approach, it says right in the ordinance the definitions will prevail. So errors in the map, while they are unintentional, could be corrected in the field and it's anticipated that they would be corrected in the field.

STUART: Is there some mechanism for that? Because I mean certainly one of the things I'm hoping to see as part of the ongoing monitoring of these environmental ordinances is to get an inventory of what the ground looks like; of what Clark County looks like from an environmental constraints perspective with a little bit finer point on it because part of the money...I mean, you just heard that part of the money for reasonable use exception, part of the money is for...well, all the money is for the staff to go out there and figure out what is and what is not on the ground. It'd be great at some point to be able to have an inventory so regular folks could go to our GIS system and figure out, are they or are they not in a critical area so they don't have to pay for staff time consistently. Is there some mechanism built into this process to update the map and do that work?

RUPLEY: Yes, on page 3 of Exhibit A of the habitat ordinance—I'll just point it out so you don't have to look it up—the section under mapping describes the mapping and number 2-C says, "Official map shall be updated by the county as warranted by new

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information using the annual review process.” So there’s specific process for updating. Under 4 on that page it says, “Determining site specific applicability...” – and this comes from the old ordinance, this was not changed, “...in the event of inconsistencies, official habitat area definitions shall prevail over countywide maps in determining applicability of this chapter.”

STUART: So there’s a process of including the data once we get it, but I guess the question is how can we actually seek out and get the data? Because there’s a process for once we have it putting it into our maps and integrating that, but I didn’t hear a process for actually going out and getting that information. Is there something already in place?

DAVE HOWE: Dave Howe, County Habitat Biologist. We’re in constant contact with state agencies—Department of Fish and Wildlife, Department of natural Resources—to get their most recent data and typically we get that in six-month intervals. That data includes both additions, as well as deletions, to the mapping and so what you see before you today is the most current and up-to-date mapping data that we have. We have talked to Fish and Wildlife numerous times when it comes to deleting certain areas that don’t meet the definition and so that gets included. So there is a discussion mechanism there between us and the state to make sure the data that they’re giving us is the most up-to-date.

STUART: And how about between us and the private sector locally? Because that’s who I got comments from is from the surveyors and local engineers who are saying, look, we’re the one’s here. I mean, one of the things that...you know, I’ve tromped around in some wetlands when we were doing delineations out at Hockinson Park to figure out where the wetlands were and all of that and certainly the state and federal maps painted a different picture than what we saw when we actually got on the ground. So I guess what I’m trying to figure out is if there is a way that we can create the communications between folks who are doing the work locally on the ground, whether they be landowners

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or engineers or otherwise, is there a way that we can integrate that very local information into this map?

HOWE: If you're going to deal with a survey boundary, that's a very precise boundary and with habitat and species areas, those are often moving targets; they're constantly shifting, they're not static, and so to survey in a boundary could be difficult when we're dealing with a particular species like a bald eagle that might change its nest site every year. So there's some difficulty there. We always stress that this mapping is an indicator of what is present on or near a site, but it's not the end all be all and what is actually on the ground it what prevails over the mapping.

STUART: I guess that's just kind of my final salve is I just hope that as part of any adoption of this map that we do put that in as one of our guidelines for how we move forward, is integrating that local information into the maps because I agree it's not an exact science, but neither is the information...the information we get from the state and federal government is not exact either. You know, the information that we put out there is not exact. So just saying that it's not exact and that it's a moving target, I absolutely agree with you, but it seems like we're going to get a little closer to the bulls eye with on the ground...when we're looking at it on the ground in person then we are when we have state-level people trying to figure out where things are at or us trying to do it just based on just a general sense of the ordinance. I just would certainly like for us to be looking at local information to integrate that into it and understand that it is a moving target.

RUPLEY: We do have the process in place which is carried forward from the old ordinance, which is at least during the annual reviews we'll update the maps. If you wish to direct that the update include information from local property owners that has been [inaudible] in a viable manner that we would incorporate that into the update reviews, I think that's possible, wouldn't you say, Dave? And the map currently is updated on the basis of data that we've received from WDFW and if we could digitize the data that we

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get from private surveyors and the like, then it would be possible. If it's not digitized, it's going to be real difficult because it's all done on GIS.

BOLDT: It doesn't, since we haven't seen it, says, "shall be reviewed annually by the county in conjunction with the plans amendments docket process." Does it have to be reviewed or is that specifically for locally habitat?

HOWE: That's for all priority habitat and species areas.

BOLDT: All priority habitat.

HOWE: That was a process that was set about with the original ordinance that any new mapping updates would be reviewed by the board for approval.

BOLDT: I guess I can see the pro and con sides with your statement about going out and trying to get information ourselves would be great; on the other hand, it is going out and getting information ourselves may not be great. I'm trying to put the two together.

STUART: And I'm looking at when a landowner goes and gets...they'll go get a surveyor to look at the land or they'll go get somebody—an engineer or wildlife biologists, or someone—they'll go get someone to survey some area and I guess what I'm hoping to see is when somebody has already gotten information on a parcel, that we integrate that information into our maps and so that next time around or if that parcel comes back in and somebody's looking at doing something else on it, or if that area has already been surveyed, if a larger area has been surveyed as part of what a property owner decided to look into—basically try to get as much information as possible. Not have us go do it, but simply have...since the private sector is already doing that work, just be looking at that information that's been gathered by professionals locally and just integrating that into our maps as much as possible. That's kind of where I was going.

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HOWE: And that does happen already, that we already have that process. When it's confirmed that there's a habitat or particular boundary on a property that is new to what the mapping currently shows, then that's updated accordingly.

STUART: Okay, okay.

BOLDT: So has that changed our maps?

HOWE: It has.

BOLDT: It has? And likewise if it's proved that the bald eagles moved somewhere...

HOWE: Correct. Then we change the map accordingly.

BOLDT: Any other questions? Okay, Mary Ann Simonds?

MARY ANN SIMONDS: This is public comment?

BOLDT: Yes.

STUART: Good morning.

BOLDT: Good morning.

SIMONDS: Well, I want to commend the commissioners for doing this day in and day out, but I also want to comment to keep in mind along with the priority habitat and the designations that 14 years ago a group of us, all wildlife biologists, set out and formed the Citizens Habitat Wildlife Committee to inventory the species in this county because when

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I moved here 14 years ago I was shocked. There was no non-games species list. Nothing. Nobody had it. I had to go to the Corps of Engineers to get a species list for this county, which was the most accurate at the time. There was no bridging between the BLM, the forest service, the state U.S. Fish and Wildlife, and the Corps of Engineers, so hence because this county had a lot of private ownership nobody cared what was here and everything seemed to have the feeling that if you owned the land, you owned the wildlife and everything with it and you could do what you darn well want. Well, we're moving into a time when we're part of a whole system and even though a lot of it is economic, and certainly that's on your agenda politically, but I think the county has the opportunity to take a stand with what we're doing with the ordinances, what we're doing with protecting habitat, and look at a more whole systems approach. Wetland's a part of habitat. Habitat not only is for wildlife, but it's for humans. There's a reason this county was not developed. When you talk to the old farmers and the old residents here, they didn't build houses in wetlands because they were going to get flooded, you know. They didn't take down every tree because it kept it cool in the summer. An example of where the habitat... why we need to do exactly what you're saying, Commissioner Stuart, in terms of getting good data on the field is traditionally... if you put a map out and say there's an eagles nest, it's going to be removed if a landowner says I want to develop it, I don't want a species here. I'm in the reverse situation. The land over next to me who had priority habitat for Pileated Woodpecker habitat, the state and the county did not adequately protect, all the trees fell down. Now my trees are dying, my live trees are all dying because of Pileated Woodpeckers picking them to death. Now who's responsible for that? Should I go out and shoot the woodpecker? Should I sue the Fish and Wildlife Department for inadequate protection? Or should I blame the county for not enforcing the priority habitat? That's an example in the reverse of what you're dealing with on a day-to-day basis, which is we just get rid of all these doggone species and just leave it for concrete and humans, we'd all be happy. We have to put our creative hats on and I see everyone get stuck in the details of this little details and this little details, this buffer that buffer, this tree... What we need to do and I think there's a better way to spend time,

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energy, and money, is not going out and saying is it a wetland or not, but coming up with some creative ways to live in a whole system. Set some design standards. You think people live in the Philippines? Of course they do. Do you think they fish out their front door and keep the fish because they need it there to eat? Yes! High density areas and had to learn how to live within the systems or they get wiped out. And just because we haven't had a hurricane, just because we haven't had a devastating catastrophe yet doesn't mean we won't. The better our systems are to hold the water, to hold the soil, to hold the integrity of the whole system, the better we will be economically in the long run.

So I'm here to support you to try and come up with not so much get stuck in the details, but spend some time and energy looking at on the wetland ordinance. Come up with some creative design standards. Look at percent, look at the function. If you can build on a wetland with post and pillar and not damage the wetland, so be it. Don't just think inside the box everything's going to be concrete, streets and asphalt. We can do better than that. So in protecting wildlife, luckily there are developers in this county—I'm fortunate to be working with one now—who wants to take the wetlands and say, how can I put out posts and pier and trails and do a development and protect it and make it an enhancement so people want to live here and see the wildlife and see the trees. Well, the way the county's going with everything, I'm not sure we'll get this done, but that's vision. So I'm going to encourage you to approve things, but add a direction and to make a direction to not just do things in the same old same old way. We're not going to get good inventories from Fish and Wildlife. We won't get them probably from the surveyors out there. But you will get them from some of the landowners that come in and says, well, I got wetland on this side and it's dry over here, but you have it reversed. I think that is important knowledge to know. It would be nice to encourage all the kids to the environmental ed centers that are doing inventories along their streams. The third graders in Ridgefield, the ones out in Amboy that are out there with the same teacher year after year collecting data—that is the best available science and they know what bird populations are there and they know when the birds are nesting. Why aren't we using that data...because we have no database. So I

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thought we had an environmental education center that was put together as a partnership years ago and I don't know what's happened to that and I don't know why that's has not become a networking center for data in this county. Not with judgment, not good or bad, but just data. And having wetlands in this county should not be the curse of hell. Having wetlands in this county is this county. We are a wetland county, we should be proud of it. We should have a promising future to develop wetlands while maintaining the intrinsic value of the wetland. So...

BOLDT: Okay. Thank you very much. Gretchen Starke, who you...?

GRETCHEN STARKE: I wasn't sure about the map. I talked to Joel before the Planning Commission meeting. He said it was just going to be kind of an indicator; that the ordinance itself would rule as to where the habitat areas are. Joel's...or Dave's right, the habitat boundaries are not...wildlife doesn't understand property lines. Say a robin...two pairs of robins delineate their own property lines. They pay no attention to human property lines. So maybe it should be made absolutely...it is in the ordinance that the map is not to be the be all and end all—it can't be. Now you've closed testimony on the ordinance itself, but again I just want to kind of echo what Mary Ann was talking about and the importance of having a more clear provision for designating habitats of local importance and you can start with county owned land. I mean it gets tricky when you're dealing with private land, I understand that, but there are parks and other county owned land that could provide habitats of local importance. I think in this county your songbirds...your woodland type songbirds could well be a category because with the deforestation of this county, particularly in the urban areas, it's important to keep something there for people to look at besides starlings and pigeons. So it's just a brief comment here on what is going on.

BOLDT: Thank you very much. Alex Mattila?

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ALEX MATTILA: Well, good morning, Commissioners and staff.

BOLDT: Good morning.

MATTILA: There's just one concern that I have and wanted to share with you about these maps. If the map is used as a restriction against property owners, then the purpose of the map contradicts the supposed purpose of the habitat ordinance. Landowners like myself are thrilled to see a bird such as a bald eagle flying over my property, but if people know that these birds are going to create an adversity for them, their going to want to eliminate them. I can remember a few years back I was fishing in Cedar Creek and we're fishing and looked up and saw a bald eagle and I was thrilled. I thought, 'yes, the bald eagles are coming back!' It was an exhilarating feeling to watch one of these fly over and they flew around for awhile and then more recently I was home up at Fargher Lake and I saw a bald eagle sitting in a tree right up the edge of Mint Lake—which Mint Lake was a manmade water ski lake up there—and it was sitting in a tree that was planted by someone when the lake was dug. Now that tree didn't exist until man came around. People and wildlife can co-exist together and when they do it's a beautiful picture. The bird nest up on [Yale] Bridge is another example of people and wildlife co-existing together, and in many cases the wildlife seem to appreciate and use the structures that people have had a hand in creating for them. So that was my concern. Thank you.

BOLDT: Thank you. Thank you for your comments. Anyone else? Yes.

STEVE MADSEN: Sorry, Commissioners, I thought I was on the list. My name is Steve Madsen, the Governmental Affairs Director for the Building Industry Association of Clark County. The question about the priority species map that concerns the contractors association is not so much where the eagles and the bat caves and the white oaks are. It's the riparian areas. We need a riparian map and I think what the surveyors were getting at is a wetland biologist will go out and do a wetland delineation or potentially a riparian

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area delineation. That delineation is based on criteria that are on the ground, but I don't believe those delineations are then converted into GPS wave points that can then be transmitted, and I think that's what they were envisioning the role of the surveyor to be...would almost be to go out on top of, or in conjunction with, the biologist and when the area is delineated then it's actually put on the ground and then it can be mapped and included in the GIS functions. In the riparian areas I don't think that's such a moving target. I mean stream banks change slightly over time, but that's really the concern. It's not the critters on the ground, it's the geological structures of the rivers and having those areas mapped out and defined I think would help everybody because it would help the county in its planning process for the vacant buildable lands model. It would also help provide the kind of certainty, for example, you know I don't envision this as much on an individual parcel scale as I do on a development project where they have to delineate a substantial section of stream bank or a substantial sized wetland, and then it's GPS'd and it's logged and can be mapped exactly by parcel. So that's really what I wanted to say about the map.

BOLDT: So let's take the Lewis and that would change as you get information.

MADSEN: Yeah, yeah, absolutely, and bear in mind that what you would be looking at would be, you know, [a] Type I stream so we know what the baseline riparian buffer is, forget about the variations you can make on it. But at least knowing we're mapped on the ground where that baseline riparian buffer is, in my mind, would be an enormous help on both the developer, the environmental community, to everybody.

STUART: It makes more sense to me now –

MADSEN: And that's why, you know, I would ask that the county release a map like this that doesn't have...just riparian map. By the county just releasing –

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HOWE: Riparian's on there.

MADSEN: I understand that, but there's a whole lot of other stuff on there that you don't want people to know about and those are the site-specific things, but I think it would not take a lot for the county to just release a riparian area map. That's not going to put anybody's bald eagle nest at jeopardy.

BOLDT: Does that make sense?

RUPLEY: I think that's in maps online already.

MADSEN: Okay, that's great.

BOLDT: Thank you very much.

STUART: Can we work with the...obviously if the contractors' are concerned about it and they're writing to us, I think there must be some sort of disconnect in figuring out what is being done and what's not being done. Can you make sure and get together with –

MADSEN: I think what Joel is saying is that map is online. Right? I mean just with the riparian map?

RUPLEY: Yes.

MADSEN: But does it go down to the parcelized level. I mean, can you zoom it up to the parcelized level?

RUPLEY: [Inaudible]...zoom in.

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MADSEN: Okay. Alright, great.

BOLDT: Thank you. Anyone else? Yes.

UNIDENTIFIED MAN: I need to comment –

BOLDT: Please state your name.

RHIDIAN MORGAN: – and respond to that. My name is Rhidian Morgan. I'm a landowner in the northwest corner under one of those green blobs next to the Columbia. Number one, the Lewis River is in significant movement. We're in an unusual position. We have donation land claim title. I think because of the events taking place up stream, we may have acquired as much as 20 acres of ground since the '96 flood and I want to leave two examples to reinforce the thought that the map language in the ordinance is a process, not a sheet of paper. Number one, I discovered I had a neighbor who had done a survey of the boundary of Mud Lake. We went back to try and find the boundary. It had been done in September in a drought year. We couldn't find the monuments on the ground. We couldn't locate them with a magnetometer. And they were essentially 10 to 15 feet out in the lake. That boundary was established by pre-statehood title. Surveyors do not necessarily always find the facts on the ground. I've had several conversations with the firms involved. They'd just as soon not discuss that survey. The map process in the county is a process which is updated, but my second comment is the most significant problem you're going to have is communication with the state agencies. I have all of the problems you can imagine, including bald eagles. And I use the plural deliberately. There is a significant slippage between the information generated within the state SEPA process and what is made available on a current basis to the county and on occasions I have found myself in the position of refereeing a disagreement between the county trying to get the information and state agencies putting it out on their system and not necessarily directing it down to the parcel level. So you need to support your staff so they can make

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this process work. I think it's going to get more expensive as the population increases and the pressure in the north part of the county increase. It's going to be a problem. Thank you.

BOLDT: Okay, thank you. Anyone else? Yes.

MATTILA: I Just want to make sure that I was clear. To summarize what I said was as we encourage landowners to promote and help recover wildlife, just make sure that they know that their not going...that wildlife, if they help to restore it, is not going to be used as a tool against them.

BOLDT: Right. Yes, thank you for your comments.

MATTILA: Thank you.

BOLDT: Yes.

ROBERT DEAN: Robert Dean. I'm a land surveyor. One of the problems I have with the GIS is that they're wildly outdated. On my property alone there's a 1,000 feet error in the mapping of the priority habitat. Another property I'm surveying right now it shows a 200 foot buffer around a creek supposedly running right down through this person's property. There is no creek. I don't know how he's going to explain that to the staff when he goes to short plat. Another problem I've run into recently, you're dealing with the wetlands and the habitat ordinances. There's another one that is more restricted and that's the shoreline because the shoreline extends out to the floodplains and originally was supposed to be 200 feet, 250 feet from the ordinary high water mark, but you inserted language saying the whole floodplain is critical area and under critical area there is no exemptions. There's no...there may be for agriculture, but a lot of people live in the floodplain in Clark County who can't do anything without a permit. You cannot grade.

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Now what is grading? You can't fill. How much? You can't fill anything without a permit. So is that a shovel full? Is that a spoonful? Is that a wheelbarrow full? Is that a pickup load? Is that a 100 cubic yard? 300 cubic yards? 500 cubic yards? It's anything. You have to have a permit. I think as long as you're looking at revising these critical areas ordinances, you've got to take a look at the shoreline as well.

BOLDT: Okay, thank you. Anyone else on the mapping? With that, Joel exactly the resolution as I see it is changing the code that we're going to change again...I mean in the habitat ordinance, what are we changing exactly with this ordinance?

RUPLEY: This ordinance merely adopts this version of the map with the data that underlies it as a pictorial representation of...or a graphic representation of what the ordinance says. Now, for example, if you change the ordinance...and let me point out that this reflects the current riparian area designations as proposed, the reductions in the type and streams. This map reflects that. If you change things in the main ordinance, the map would be inaccurate so for you to adopt the map I would suggest that there be some language that reflects all bets are off if you change the ordinance that underlies this map. It's meant to be a representation of what the ordinance says.

STUART: So why bring this ahead of the ordinance itself. If there's any chance that we're going to change things, why do you want us to adopt it now versus waiting and making it part of the habitat ordinance adoption?

MORRIS: I don't think he did. I think we're doing it this way because this is on the calendar and we're not ready to adopt the HCO.

STUART: Okay, I got you.

BOLDT: That makes sense. So we can wait until after we do out ordinance?

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RUPLEY: If you so choose you could, for example, close the testimony on this and move it forward to the same date that you move the main ordinance forward and then go from there.

BOLDT: Okay. Thank you.

STUART: Would you like a motion on that?

BOLDT: Yes.

STUART: When are we moving the habitat ordinance deliberation to? One week? Two weeks?

BOLDT: Why don't we talk about that first and then we'll have our motion?

STUART: Perfect.

BOLDT: And speaking of the habitat, we're shifting gears to the habitat before we...is that okay with the board?

MORRIS: It is, but I'm not sure that you can technically do it under our Roberts Rules of Order. I think you have to close one. We could table the map and then take it off the table.

BOLDT: Let's do that.

STUART: Thank you, Mr. Chair. I move to close public testimony and table deliberations on the priority habitat and species map.

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BOLDT: Second?

MORRIS: I don't think you need one, but I'll give you one.

BOLDT: Okay, it's tabled. So we will move onto the habitat conservation ordinance –

MORRIS: But you do still need to vote.

BOLDT: All in favor of tabling the priority habitat species map say aye.

MORRIS: Aye.

STUART: Aye.

BOLDT: Aye. Motion carried. Cool. Thank you. (See Tape 278)

MORRIS: But before we leave the total discussion of the habitat map, I think a lot of the conversation today has talked about the habitat ordinance as though it were a precision instrument and as though somehow or other it was as precise as a roadmap and really it is not. It was very helpful to us when the habitat ordinance was first adopted in 1997 or 98—I can't remember which it was—because we sent notices to all property owners in any of those designated areas to let them know that they could have habitat on their land. It's not anything other than an indicator and the ordinance itself, as Mr. Morgan said, is...it prevails and it is a process and that's why it comes back to us every year.

BOLDT: Okay. Thank you very much.

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PUBLIC HEARING: HABITAT CONSERVATION ORDINANCE

To consider adoption of proposed revisions to the Clark County Habitat Conservation Ordinance (CCC40.440). Continued from April 24, 2006; April 25, 2006; and May 2, 2006. There will be no public comment at this hearing.

BOLDT: Moving onto the habitat conservation ordinance—Joel, can you just give us an update? It changes daily, I realize that, but...

RUPLEY: Looking at the time, I'm going to be really really brief. The ordinance as it stands now was forwarded...or was set over from May 2nd so what you have in your packet is an ordinance from that date, or that was prepared prior to that date. You have an addendum, which is a single sheet of paper and it is referenced into that version of the ordinance and it suggests that there is a couple of dates in the agricultural module and the programmatic permit section that need to be addressed. It suggests that there [are] some corrections to be made adding the word "COHP", or conversion option harvest plan in the exemption, which would exempt it from an exemption. That's consistent with what you just passed in the wetlands ordinance, that is forest conversions and conversion option harvest plans would be reviewed under this ordinance. Under the agricultural module, once again the current language has arranged...it has not specified distances because the group that worked on it couldn't agree on distances so we put a couple of numbers in brackets and said that's what the main numbers that we were talking about are. And finally, in Exhibit B, which is the non-habitat ordinance changes that are required, definitions and the like, we misspelled agricultural and in all the subsequent versions that you've seen, I just haven't been able to get that changed. So at any rate, we need that as well. You also have a document which looks like this, it's entitled HCO Purposes and that is a summary of the substantive changes. Not all the scrivener's changes—and's, be's, and but's, and all of that—but it is the substantive changes and it lists all of the proposed changes. Now, finally I would like...oh, there's also an implementation work plan for you, which kind of underlies the fiscal reporting, that we gave you in the original staff report. I'd also like to suggest that there are two main sections of the ordinance:

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there's the body that has proposed amendments to it and then there's the special sections, which include the utility programmatic permit and the agriculture permit, and there's been a lot of work going on on the agricultural side at your direction. Mr. Lowry was in discussion with the attorney from the Farm Bureau and some proposed changes have come to you and so if you want to discuss that section, I would suggest not using the ordinance as it was brought from May 2, but I would suggest...I think it's the May 19 version that Rich sent out from the Prosecuting...I think Thelma sent it over. At any rate, that one would be something that contains more of what the discussions revolved around. We've got way too many products in front of us, but hopefully as you go through your deliberations just ask me "which one are we talking about here?" and I'll try and get you all on the same page, so to speak.

BOLDT: And actually I think for probably quite a few people's benefit is we had, I think, Mr. Barron, if I'm clear, maybe the other two, is that originally we had intended to have a work session on this and since we were not here last Thursday we had already committed to this hearing, so this hearing is kind of maybe taken some people by surprise because we should have had some work done before this hearing already, which we now go to in another work session, but since we had this hearing we felt it was probably wise to at least keep people updated on our progress. And right off to maybe just give staff some direction...the only I had is that I think you received—at least we just received an email currently from the Farm Bureau about changing lands. The only one what I had talked about, the footprint—and I think that's covered, I talked to you—that you can build two-story on a house so you would increase square footage without increasing your footprint. The other one was throughout the ordinance we refer to just the code and it would be very helpful to me and other people to at least give the definition of that code title so you wouldn't try and figure out what you were going to. Is there any other direction to staff?

MORRIS: I don't know that this is so much direction to staff as it is a proposal for discussion topics when we have our work session on it. There are several elements that I

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think do need that discussion just among the board and it isn't anything that I think there's much for staff to do on this, but I would like for us to have a discussion about the role of zoning in this ordinance. We didn't pay any attention to it in the wetlands ordinance, which may or...because we simply existed agriculture so it didn't matter, but there are four elements that interplay here and the first is zoning. What is zoned for commercial AG and what is not zoned for commercial AG? And the second one is not tied to zoning, but tied to what is existing AG and what is new agriculture? So that issue of zoning and existing versus new are topics that I have major concerns about. The second one that the board will need to work through in the work session is the width of the inner and the outer zones. The third one is in order for this to hold any kind of water, for the management plans we will need to use interim standards because the proposal is to delay the effective date of those management plans, which leaves you only with either the default option or nothing and so we would need to have something to fall back on, whether that was the [inaudible] Program or whatever, there needs to be those. Second, I would like to have from our legal people—and Mr. Hill, you're welcome to join in to this if you'd like—I'd like to have some good rationale about how it is that we can exempt existing AG from wetlands and not from HCO, from the habitat issues. So please give me some legitimate legal, as well as best available science, justification for that.

So those are the major areas that I think we need to have a lot of discussion about and I think that that's really mostly discussion internal to the board. Mr. Hill, I should let you know that I have a major concern over the Farm Bureau's proposal to make the date of adoption of the Growth Management Act the effective date for determining what is and what isn't existing AG and that might be a conversation that you and I might just have at some point between now and the work session so you know what my concerns are there. And also in your Purposes, Joel, the HCO Purposes, it is true that these are correct purposes for the HCO as a whole, but also one of our purposes for this code is to balance...is not only to protect habitat, but to protect agriculture and that is spelled out in the Recitals that Mr. Lowry did when he separated out the AG module from the

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remainder of the habitat ordinance. My concerns are not over any of the elements of the HCO, with the exception of AG.

RUPLEY: I simply took the Purpose statement as it existed in the current ordinance and referenced...

MORRIS: And it may be that we need to change the Purpose statement.

RUPLEY: Yes, we do.

MORRIS: Okay.

RUPLEY: Thank you.

STUART: I don't disagree with anything that you said as far as what we need to address. Not a bit. I know these are all conversations that we're going to need to have as far as the numbers and the zoning aspects. There was one additional thing that we've spoken a little bit about, but I wanted to make sure that carried forward and that was...there was discussion about including a provision that's consistent with the wetlands ordinance to include a no net loss of habitat function as a general statement of applicability, not...and we talked about where to put that. That's just a discussion that I'd like to move forward with as well. We talked about it some, but where it goes, where it's appropriate, how we can do it in a way that makes sense...that would make sense given the nature of the ordinance, I just would like to have that discussion move forward.

MORRIS: What's the current language...existing language about function and value?

[Inaudible comments]

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MORRIS: Okay. So you want to have a higher level?

STUART: On a watershed level, yes. The question is, how do you create that language in the ordinance and make it so that you're not shutting everything off? I've had some discussion with staff about that where there are ways to do that and put that language in and I forget where we talked about where it might make sense to put that language in so that it didn't destroy what we're working toward here, but still...do you remember, Joel, where...?

RUPLEY: In the Purpose statement.

STUART: Was it in the Purpose? Okay. That way we're talking in the Purposes on a general level about what we're intending and then you have the specific detailed aspect of it that would still...that the language that David spoke about would still be included in the parcel-by-parcel look at how you're doing it.

MORRIS: This comment would belong at the work session, but just because I'm afraid I might forget between now and then I'll just say because at least it will be on tape and maybe Joel will take a note about it. If you are talking about no net loss of function and values on a watershed level, you give the advantage to the guys who come in early. I don't know how you work that through sequentially because you either do it parcel by parcel or you have some sort of overarching standard about what is the net function and value of the watershed, which despite the fact that we've been doing a lot of watershed work for the last 5 years we probably don't have that. And then you'd have to be able to apply it parcel to parcel; either that or else somebody can come in and someone else has to make up for what they didn't do. So implementation on that might be more difficult.

BOLDT: Any others?

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STUART: No.

BOLDT: The only other one I would have, Joel, is that trying to...I guess trying to make the management plans work for the person who owns a couple of head of cows and two acres or something, and I think we have done a great job in trying to get that as simple as possible, to have people to do that with the least expense as we can. The question I have is that in current ordinance the plan has to be reviewed I think by the county and then if there's a change, that has to be reviewed by the county. My question would be is that legal? And could we have the same end result if, for instance I have 2 acres, 5 acres, I need a management plan of my property, I can take that to a certified...I can't remember what it's called now –

RUPLEY: Ag habitat tech.

BOLDT: – Ag habitat person. That person signs that document then I have that document here, I keep that document at my house, you know, a code violation or something calls me in that I'm doing something wrong. Person comes out, they say to me, do you have your plan? I say, yeah, here it is. It's adopted, it's signed, here it is. It just seems to me it would keep the county from having to keep all these plans and the Auditor's office, things like that. So I'm not going to ask for yes or no, but I'll just tell you I may try and bring that up in the work session to at least try and get...and to me it just kind of calms the fears of a lot of people of having their plan in the county office and really we're not going to look at them in our county office; they're going to be in a file cabinet here, a file cabinet there, so. It's up to you.

RUPLEY: One of the suggestions that I believe you made earlier was to include a direction to the group that writes the guidelines for these plans—and we're now calling them agricultural habitat protection plans because it sounds way too onerous to tell somebody they have to have a farm plan just to protect a riparian area. The group that's

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going to write these is a multi-interest group with people who know how things work on the ground and if you included in your charge to that group that they write an expedited process that's simple for owners of small parcels to manage, that might accomplish the objective of protection at the same time of not weighing everyone down with too much paperwork and the like.

BOLDT: Okay. Thank you.

STUART: I think that's a great idea and just kind of piggybacking on that it actually reminded me one of the things that we've had some conversation on: I still want to find if there's a way that we can work it into the ordinance is enhancing the use of stewardship plans. We have the opportunity for stewardship plans right now, but because of whether it's that they're too complex, whether it's that...I don't know what it is why people haven't been using them, but I see a lot of opportunity in being able to create flexibility and still protect the habitat areas through these stewardship plans and if it means giving incentives such as open space taxation for property owners who are willing to go ahead and do that, whatever...that's an incentive I certainly would like to see us look into. They're providing an added value to the community so it's something I would certainly like to look into.

BOLDT: Okay, with that –

RUPLEY: Commissioner, could I ask a clarifying question?

BOLDT: Yes.

RUPLEY: Would you also like to hear language in the reasonable use exception that mirrors what you passed in the wetlands ordinance about and associated buildings?

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MORRIS: I don't want you to write anything in the ordinance right now as far as I'm concerned. I think the board is just listing the topics that we need to have discussed, one of which would be the reasonable use language.

RUPLEY: Okay. In framing those issues in anticipation of a work session, I would include that on the list if that's alright.

MORRIS: Just the reasonable use because there could be a full range of discussion about that.

BOLDT: I think our next...I'm not sure how we're going to plan this, but our next available time for a work session, which kind of to me fell in line with what we were going to do last time, would be June 14 at 1 o'clock.

MORRIS: What day is that?

BOLDT: That's a Tuesday.

[Inaudible comments]

BOLDT: Oh, Wednesday is the 14th? Okay, yes.

MORRIS: We don't have any time in the mornings?

BOLDT: No. Our mornings are booked up for work sessions for another month.

MORRIS: I just looked on my calendar last night on mine and it didn't look like it had any. I mean, don't we have just one this week?

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BOLDT: Well, that's tomorrow.

MORRIS: The rest of them are full?

BOLDT: Yes.

MORRIS: Okay.

STUART: I do have a question, hopefully Mr. Barron can help us...there's no one from Public Works still here. We're at risk as of right this minute. Do we have an update on that as to what we may be able to...?

BOLDT: As soon as I got the email, we had some calls with [inaudible] that I know of and I tried to tell them that I'm working on that...still trying to tell them who they work with down the hallway. They evidentially don't know that yet. So maybe they should talk together and talk to the people that I talk to so...yeah, hopefully we can get through that.

STUART: I agree. So the date that...was June 14?

BOLDT: June 14.

STUART: For the work session and then...

BOLDT: And then we can go to continue the hearing June 20 or June 27?

STUART: Is the 20th okay? Does that give enough time to make any revisions that would be necessary?

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RUPLEY: We can do anything you want. One other question for you: do you want at the work session the updated agricultural module that Rich Lowry and the Farm Bureau and a few other people put together or do you just want to have a general discussion?

BOLDT: Everything you've got, give it to us.

RUPLEY: Everything, anything that I have on paper I will get to you. And we had a comment come in late after your deadline to close and it's from Citizens United, but it came in after you closed public comment.

BOLDT: Oh, public comment, but I thought that we're still accepting written testimony.

RUPLEY: No, that was closed as of the 16th.

BOLDT: Oh, it was.

RUPLEY: And this came in dated the 24th, received the 26th so unless you make a special arrangement, we'll keep that out of the record at this point.

STUART: And even if something's not in the public record, it doesn't mean that we don't see it. It just means it's not part of the public record. Thank you, Mr. Chair. I move that we continue the deliberations on the habitat conservation ordinance to June 20, with a work session to be held on June 14.

MORRIS: Second.

BOLDT: Thank you. It's been moved and seconded to continue deliberations on the habitat conservation ordinance to June 20 at 10:00 a.m., with a work session on June 14. All in favor say aye.

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STUART: Aye.

BOLDT: Aye. All opposed? Motion carried. (See Tape 278)

BILL BARRON: Excuse me, Mr. Chairman, if I may. Do you want to do any action on the tabling motion or just do it at that time?

BOLDT: Yes.

STUART: Yeah, we'll do that. Do you want to do that now?

BOLDT: Yes.

STUART: Thank you, Mr. Chair. Do you actually have to bring it back to...once it's been tabled, do you have to bring it back?

[Inaudible comments]

STUART: Okay. I move to reconsider the priority habitat and species map that's been tabled.

MORRIS: Second.

BOLDT: All in favor of revisiting the priority habitat and species map say aye.

MORRIS: Aye.

STUART: Aye.

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BOLDT: Aye. All opposed? Motion carried. (See Tape 278) A motion to...I would think we could do the 20th also. We don't have anything that day.

STUART: Makes sense. Thank you, Mr. Chair. I move that we continue deliberations on the priority habitat and species map to June 20th at 10:00 a.m.

MORRIS: Second.

BOLDT: It's been moved and seconded to move the continued deliberations on the priority habitat and species map to June 20 at 10:00 a.m. All in favor say aye.

MORRIS: Aye.

STUART: Aye.

BOLDT: Aye. All opposed? Motion carried. (See Tape 278) With that, this meeting is adjourned.

****End of Verbatim Transcript****

[Transcriber: This appeal was typed verbatim with the exception of any "uh, um" type terms and when the same word is repeated several times as in a false start sentence.]

COMMISSIONER COMMUNICATIONS

There were no comments.

COMMISSIONERS PROCEEDINGS
MAY 30, 2006
CLARK COUNTY, WASHINGTON

2:00 P.M. PUBLIC BID OPENINGS

Present at bid opening: Louise Richards, Board of County Commissioners Office; Allyson Anderson and Priscilla Ricci, General Services-Purchasing Department

BID OPENING CRP321122

Held a public hearing for Bid Opening CRP321122 – NE 137th Avenue (from 4th Plain Boulevard to NE 76th Street). Allyson Anderson, General Services, stated that it was the Purchasing Department's intention to award Bid CRP321122 on June 6, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 279)

BID OPENING 2447

Held a public hearing for Bid Opening 2447 – Annual Health Department Water Analysis Services. Allyson Anderson, General Services, stated that it was the Purchasing Department's intention to award Bid 2447 on June 6, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 279)

BID OPENING 2448

Held a public hearing for Bid Opening 2448 – Annual Polymer for Waste Water Treatment Plant. Allyson Anderson, General Services, stated that through the addendum process Clark County was delaying the bid opening until July 11, 2006 at 2:00 p.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 279)

BID OPENING 2449

Held a public hearing for Bid Opening 2449 – Annual Legal Ads. Allyson Anderson, General Services, stated that it was the Purchasing Department's intention to award Bid 2449 on June 6, 2006 at 10:00 a.m., in the Commissioners' hearing room of the Clark County Public Service Center, 6th Floor. (See Tape 279)

COMMISSIONERS PROCEEDINGS
MAY 30, 2006
CLARK COUNTY, WASHINGTON

BOARD OF COUNTY COMMISSIONERS




Marc Boldt, Chair

Steve Stuart, Commissioner



Betty Sue Morris, Commissioner

ATTEST:



Deputy Clerk of the Board

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